IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

And

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT APPEAL No.1057 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 23/06/2004 in WP NO : 14209 OF 2003 on the file of the High Court.)

Between:

M/s. Jayalaxmi Traders, Chowdepalle, Chittoor District,
Rep. by its proprietor Sri Bysani A. Reddappa Chetty,

S/o. Arunachalamaiah Chetty, Aged 76 Years,
R/o. D.No.1/88, Bazar Street, Chowdepalle, Chittoor District.

..... APPELLANT

AND

1 The Superintendent of Police, Kurnool District.

2 The Station House officer, I-Town P.S., Adoni, Kurnool District.

3 T.G.M. Nagaraj, S/o. Mallikarjuna Setty,
OPP: Mysore Bank, Adoni, Kurnool District.

.....RESPONDENT(S)

Counsel for the Appellant: MR.Y.RAMA RAO

Counsel for Respondent Nos.1 & 2: GP FOR HOME

Counsel for Respondent No.3 : None appeared.

The Court made the following :

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JUDGMENT:(Per Hon'ble Sri Justice B. Sudershan Reddy)

This Writ Appeal is directed against an insignificant order dated 23-06-2004 passed by a learned single Judge of this Court directing the Director General and Inspector General of Police, Government of Andhra Pradesh, to file an affidavit in this Court within a period of three weeks as to why the 3rd respondent herein who is convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881(for short 'the Act'), by this Court is not apprehended and sent to jail. It is an admitted fact that the 3rd respondent herein is convicted for the offence punishable under Section 138 of the Act.

That a non-bailable warrant was issued against the

3rd respondent herein in C.C. No.98 of 1991 remains unexecuted for a period of more than seven years. Learned single Judge came to the right conclusion that interest of justice and rule of law requires the Director General and Inspector General of Police to personally look into the matter and submit an affidavit to this Court. We find no infirmity in the order passed by the learned single Judge. This order of the learned single Judge in no manner adversely affected the case set up by the writ petitioner.

However, during the course of hearing of this writ appeal Sri Y. Rama Rao, learned counsel for the appellant, submitted that the appellant/petitioner does not intend to prosecute the writ petition any further. The request, if any, made by the appellant/petitioner for withdrawal of the writ petition can always be considered by the learned single Judge.

For the aforesaid reasons, we find no merit in this writ appeal requiring our interference. It is for the learned single Judge to consider the request of the appellant/petitioner seeking permission to withdraw the writ petition.

The Writ Appeal fails and shall accordingly stand dismissed. No order as to costs.

…. Deputy Registrar

// True Copy //

Section Officer

To

1 The Superintendent of Police, Kurnool District.

2 The Station House officer, I-Town P.S., Adoni, Kurnool District.

3. Two C.Cs. to G.P. for Home, High Court of A.P., Hyderabad(OUT)

4. Two C.D. copies.